

U.S. DISTRICT COURT
FILED AT WHEELING, WV

JAN 29 1998

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	Criminal Action No. 1:96CR42-01-02
)	
vs.)	18 U.S.C.842 (a)(3)(A)
)	18 U.S.C. 2
FLOYD RAYMOND LOOKER, a/k/a)	26 U.S.C. 5861 (j)
RAY AND TERRELL P. COON,)	(Hon. Frederick P. Stamp, Jr.
a/k/a TERRY,)	U. S. District Judge)
)	
Defendants)	

MOTION TO AMEND DEFENDANT COON'S CONDITIONS OF RELEASE

Terrell P. Coon, the defendant, by his undersigned counsel, moves this Court pursuant to 18 U.S.C. 3141 and 3142 to amend the conditions of his release, and in support thereof offers the following:

1. On February 3, 1997, this Court entered an Order setting the conditions of the defendant's pre-trial release that contained the following provision:

"(3) The defendant shall be confined to his home.... In connection with the defendant's home detention, he shall be placed under electronic monitoring and the defendant shall bear the cost of this monitoring. (Order of Court, page 8)."

2. The defendant has been on electronic monitoring for almost a year.

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3. On October 27, 1997, the defendant's jury trial was completed with a verdict of guilty to all counts in the indictment.

4. A presentence report has been ordered but has not been completed.

5. A sentencing date has not been scheduled.

6. The defendant has complied with and will continue to fully comply with the conditions of his release; however, he is requesting that one of the conditions be changed from electronic monitoring to non-electronic monitoring.

7. The defendant has been electronically monitored since February 5, 1997, under the direct supervision of Karen McKim, Pretrial Services, Pittsburgh, PA (412-644-4562), and the general supervision of John Burlis, U. S. Probation Office, Clarksburg, West Virginia (304-624-5504).

8. Active supervision of the defendant, however, has been minimal and all Court approved absences have been complied with.

9. By Order of Court dated May 20, 1997, this Court denied the defendant's previous request, filed May 9, 1997, to have his monitoring changed from electronic to non-electronic.

10. In addition to causing the defendant monthly expense, the monitoring device is inconvenient, physically restrictive and a nuisance.

11. The defendant has demonstrated by both his behavior and conduct that electronic monitoring is no longer necessary.

12. The defendant can be monitored as effectively without the monitoring device strapped to his ankle.

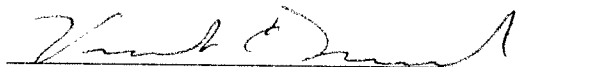
13. The defendant resides on an 82 acre farm that is mostly undeveloped except for his dwelling and some scattered structures for housing equipment used to maintain the land and a man-made lake.

14. The range of the monitoring device is limited to his residence and its immediate curtilage and interferes with his maintaining the property and using the equipment necessary for the maintenance. However, the Probation Office has been liberal in permitting the defendant to work on his property beyond the range of the monitoring device.

15. Since his release, the defendant has demonstrated clearly that he is not a danger to the community nor at risk of flight.

16. Regular telephonic reporting to the Probation Office, or personal appearances, would be an appropriate substitute for the electronic monitoring.

WHEREFORE, the defendant respectfully requests this Court to amend the conditions of this release only to the extent that his monitoring be changed from electronic to non-electronic.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion to Amend Defendant Coon's Conditions of Release, was delivered by first class mail on the 28 day of Jan, 1997, upon David E. Godwin, First Assistant U. S. Attorney, P. O. Box 750, Clarksburg, WV 26302-0750.



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